IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1386 OF 2007
(For Leave to appeal)
IN
CRIMINAL APPEAL NO. OF 2007
(Against the Order of Acquittal)

The State of Maharashtra .. Applicant
v/s.
Kiran Sakharam Jadhav .. Respondent

Mr. S.R. Borulkar, Public Prosecutor for the Applicant.
Mr.Rakesh Bhatkar for the respondent.

CORAM : SWATANTER KUMAR, C.J. &
J.P. DEVADHAR, J.

DATED : 19TH NOVEMBER, 2007

P.C.

This is an application for leave to appeal against the judgment and order of acquittal recorded by the learned Sessions Judge, Ratnagiri on 2nd January, 2007.

2. The contention raised before us is that the findings recorded in the judgment are contrary to the documents on record and based upon the oral statement made in relation to

the age of the girl at the time of her marriage which was apparently subsequent to the date of offence. In our opinion, the application needs to be allowed and is hereby allowed.

3. We further direct that the accused shall remain present before the concerned Chief Judicial Magistrate and shall furnish bail bond with one surety to the extent of Rs.50,000/- to the satisfaction of that court. The other terms and conditions shall continue as per the judgment of the Sessions Court.

4. The appeal is admitted, to be heard in the normal course.

CHIEF JUSTICE

J.P. DEVADHAR, J.